



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

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December 29, 1971

Honorable David Wade, M. D.
Commissioner
Texas Department of Mental
Health and Mental
Retardation
Box 12668, Capitol Station
Austin, Texas

Opinion No. M-1033

Re: When are employees
of Community Centers
for Mental Health
and Mental Retarda-
tion Services included
within the coverage of
the Texas Unemployment
Compensation Act ef-
fective January 1,
1972, and which Com-
munity Centers are
entitled to receive
the exemption author-
ized in Article
6675a-3(c), Vernon's
Civil Statutes.

Dear Dr. Wade:

In your request for an opinion from this office you
refer to the following statutes:

Article 5547-203, Section 3.01(a), Vernon's Civil Statutes,
which states in part:

"Local agencies which may establish and operate
community centers are a county, a city, a
hospital district, a school district, or any
organizational combination of two (2) or more
of these."

Article 6675a-3(c), Vernon's Civil Statutes, which states
in part:

"Owners of motor vehicles, trailers and
semi-trailers which are the property of and
used exclusively in the service of the United
States Government, the State of Texas, or any
county, city, or school district thereof, shall
apply annually to the department as provided

in Section 3-aa of this Act to register all such vehicles, but shall not be required to pay the registration fees herein prescribed, provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or a county, city, or school district thereof, as the case may be."

You further state in your opinion request:

"Twenty-one (21) Community Centers for Mental Health and Mental Retardation services have been established in this State by one or more of the aforesaid local agencies.

"Four (4) Community Centers for Mental Health and Mental Retardation services have been established in this State by one or more of the aforesaid local agencies together with a State supported institution of higher education or a State supported medical school as authorized by a pre-existing law. (See H.B.3, 59th Legislature, Regular Session 1965, Chapter 67, Article 3, Section 3.01(a), page 171).

"These Community Centers employ and train personnel to administer their programs and services. Some of these Community Centers also have purchased motor vehicles to be used in providing their services, and those motor vehicles are registered in the name of the individual Community Center."

You then request our opinion on the following questions.

"1. Under what circumstances, if any, are the employees of Community Centers for Mental Health and Mental Retardation services, established by those local agencies or any combination thereof, as heretofore described, included within the coverage of the Texas Unemployment Compensation Act, as amended,

effective January 1, 1972?

"2. Which Community Centers, if any, established by those local agencies or any combination thereof, as heretofore described, are entitled to receive the exemption authorized in Texas Revised Civil Statutes Annotated Article 6675a-3(c)?"

Subsection (h) of Section 1 of Article 695g, Vernon's Civil Statutes, pertaining to Social Security coverage for county and municipal employees, provides:

"(h) The term political subdivision includes an instrumentality of the State, of one or more of its political subdivisions, or of the State and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision."

Attorney General's Opinion No. M-149, 1967, states in part:

". . . Community Centers for mental health and mental retardation are political subdivisions within the provisions of Section 1 of Article 695g, Vernon's Civil Statutes, and the employees of said political subdivisions are entitled to social security coverage."

It is the opinion of this office that the Community Centers are "political subdivisions" as that term is used in the Texas Unemployment Compensation Act, as amended, effective January 1, 1972, and that each Community Center is entitled to election of coverage as provided in Article 5221b-6(b)(3), Vernon's Civil Statutes, which states in part:

"(3) A political subdivision of the State of Texas may voluntarily elect coverage for not less than two (2) calendar years and such election may be made with respect to (A) all

services performed for the political subdivision, or (B) all services performed for all institutions of higher education and all hospitals operated by the political subdivision, or (C) all services performed for one (1) or more separate parts or divisions of the political subdivision; and, if such election is made, the employer shall pay reimbursements for benefits as provided in Section 7-A of this Act."

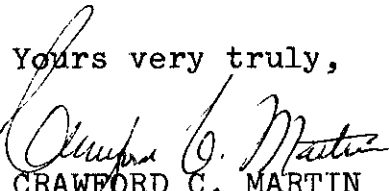
In State Highway Commission, et al. v. Harris County Flood Control Dist., et al., 247 S.W.2d 135 (Tex.Civ.App. 1952, error ref. n.r.e.) the court held that the Harris County Houston Ship Channel Navigation District and Harris County Flood Control District were political subdivisions but had their existence solely as agents of the State, and as agents of the State were relieved by Article 6675a-3 from the obligation to pay motor vehicle registration fees.

The Community Centers have their existence as agents of the State for providing mental health and mental retardation services and as such are entitled to the exemption as authorized by Article 6675a-3.

SUMMARY

Community Centers for Mental Health and Mental Retardation services are political subdivisions as that term is used in the Texas Unemployment Compensation Act, as amended, effective January 1, 1972, and each Community Center is entitled to election of coverage as provided in Article 5221b-6(b)(3), V.C.S. All of the Community Centers are entitled to the exemption as authorized by Article 6675a-3, V.C.S.

Yours very truly,


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